HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 15886 OF 2006

Dated 1st August, 2006

Between:
B.Subrahmanyam

… Petitioner

And

State of Andhra Pradesh represented by
its Principal Secretary to Government,
Social Welfare Department, Secretariat,
Saifabad, Hyderabad and others.

… Respondents.

ORAL ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

In this case, the petitioner is seeking directions to dispose of the appeal filed by him under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The petitioner had originally joined as Khalasi in Visakhapatnam Port Trust in the year 1972. He was later promoted to the posts of Greaser, Junior Driver, Driver Grade-II, Driver Grade-I and was ultimately appointed as Chargehand (OP) against the vacancy reserved for Scheduled Tribes. While so, suspecting the caste status of the petitioner, proceedings were initiated and the matter was referred to District Collector for enquiry, who, in turn, referred to the Mandal Revenue Officer to enquire into the matter and send a detailed report. The Mandal Revenue Officer submitted his report dated 13.12.2004, and, the matter was placed before the District Level Scrutiny Committee headed by the Joint Collector. The Committee after enquiry held that the petitioner does not belong to Konda Kapu S.T.Community. Accordingly, the second respondent vide proceedings (M)Rc.No.53/2004/C5 dated 21.6.2005 addressed to the Chief Mechanical Engineer, Visakhapatnam Port Trust, informed that as per the findings of the District Level Committee, the petitioner does not belong to S.T. Konda Kapu community. Basing on the said proceedings, it appears, disciplinary proceedings were

initiated, but, however, the same is not subject matter of this writ petition.

Against order dated 21.6.2005 passed by the District Collector, the petitioner preferred appeal before the first respondent-Government, as provided under Section 7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. It is stated that the petitioner also filed an application for grant of interim stay pending disposal of the appeal, along with appeal, but, so far no steps have been taken either for disposal of the interlocutory application or the appeal itself. It is submitted that as much as the petitioner is in service from 1972 onwards and his original caste certificate was submitted in original to the respondent and was not cancelled, if the appeal is not disposed of immediately, great hardship would be caused to him. With regard to the merits of the claim of the petitioner that he belongs to S.T. community, it is a matter, which has to be considered by the appellate authority in the appeal pending before the first respondent. As much as it is stated that the petitioner was appointed as Khalasi in the year 1972 and was ultimately appointed as Chargehand in the quota meant for S.T. and continued for more than 20 years in service, I dispose of the writ petition directing the first respondent-Government to dispose of the appeal, as expeditiously as possible, and, preferably, within a period of three months from the date of the receipt of a copy of this order. Further, I direct that the proceedings dated 21.6.2005 issued by the Collector shall remain suspended till the disposal of the appeal.

Subject to the above direction, the writ petition is disposed of.

No costs.

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1.8.2006.

(R.SUBHASH REDDY, J.)

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